

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-22 are pending in the present application. No claims are amended, added or canceled by the present amendment.

In the outstanding Office Action, Claims 1-8 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,442,393 to Hogan in view of U.S. Patent No. 5,854,981 to Wallstedt et al. (herein "Wallstedt") and U.S. Patent No. 6,728,540 to DeSantis et al. (herein "DeSantis"); and Claims 15-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hogan, Wallstedt, DeSantis and U.S. Patent No. 6,289,220 to Spear.

Applicant respectfully traverses the rejection of Claims 1-8 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,442,393 to Hogan in view of Wallstedt and DeSantis.

Claim 1 is directed to an operation data creating method for creating operation data that includes, *inter alia*,

- selecting a first base station having a highest communication quality level at each local position in a subset of local positions within the service area, based on the created quality information, said subset of local positions including at least one local position within the service area;

- selecting second base stations having a second highest or subsequent communication quality level which is lower than the highest communication quality level at each local position in the subset of local positions based on the created quality information; and

- creating the operation data indicating the selected second base stations as other base stations related to the first base station having the highest communication quality level.

Independent Claims 8, 15 and 22 include similar features.

In a non-limiting example, Figure 6 shows an operation data creating method that includes creating quality information (e.g., reception level of common control channel in each small region) with respect to a base station at each of three local positions (e1), (e2) and (e3) within a service area (a). A base station having a highest communication quality level is

selected at each local position in a subset of local positions within the service area (e.g., base station 1 at local positions (e1) and (e3) and base station 2 at local position (e2)).

Neighboring zone table C1 is created to correspond to base station 1, and is populated with entries of other base stations that are selected for having second highest and subsequent communication quality levels, in accordance with local positions where base station 1 has the highest communication quality (e.g., e1, e3). Likewise, neighboring zone C2 is created to correspond to base station 2, and is populated with entries of other base stations that are selected for having a second highest and subsequent communication quality level at the local positions where base station 2 has the highest communication quality (e.g., e2).

Thus, among other things, the claimed approach selects base stations having lower communication quality levels at each local position where a first base station has the highest communication quality level, thereby advantageously avoiding overlap in data corresponding to the first base station, for example.<sup>1</sup>

As noted in the Office Action, Hogan and Wallstedt fail to teach selecting base stations having a second highest or subsequent communication quality level that is lower than a highest communication quality level of a first base station at each local position where the first base station has the highest communication quality level.<sup>2</sup> Instead, the Office Action relies on DeSantis as teaching that feature.

First, Applicant respectfully traverses the assertion in the outstanding Office Action that DeSantis teaches the claimed selecting feature at column 5, lines 40-43.<sup>3</sup> In that cited passage, DeSantis merely proposes a method of handing over a communication with a mobile device in a current cell to another cell in a wireless communication system using potential handover candidates that are determined based on stored adjacency information. In other words, DeSantis transmits information regarding potential handover candidates to the mobile

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<sup>1</sup> Specification at page 20, lines 20-26.

<sup>2</sup> Office Action at page 3, last paragraph.

<sup>3</sup> Office Action at page 4, lines 5-10.

device in the current cell, and DeSantis merely mentions the mobile device as being currently on a call with the base station in a current cell and needing the handover candidate information for anticipated handovers.<sup>4</sup> However, there is no mention in DeSantis of selecting base stations having a second highest or subsequent communication quality level at each local position where a first base station has a highest communication quality level.

Further, Applicant respectfully traverses the assertion in the outstanding Office Action that DeSantis teaches that selecting base stations is “based on the created quality information with respect to each base station at each local position.”<sup>5</sup> In the cited passage, DeSantis indicates that it may be possible to combine “information described above,” such as frequency and time slot information associated with a beacon and determined to be observable by the mobile for each of the contiguous cells.<sup>6</sup> Thus, DeSantis merely mentions combining information described in preceding passages with the information generated by the mobile concerning the potential handover candidates. However, DeSantis does not teach or suggest any “selecting base stations having a . . . communication quality . . . at each local position where the first base station has the highest communication quality,” as recited in independent Claim 1, and as similarly recited in independent Claims 8, 15 and 22.

In addition, Applicant respectfully traverses the assertion in the outstanding Office Action that DeSantis, at column 5, lines 50-59, teaches selecting base stations having a second highest quality level at each local position where a first base station has a highest quality level. In that passage, DeSantis only indicates measuring “received signal strength (RSS) for the beacons identified in the handover information transmitted from the base station,”<sup>7</sup> where those beacons are associated only with “the cells adjacent to the ‘current’

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<sup>4</sup> DeSantis at column 5, lines 40-43.

<sup>5</sup> Office Action at page 4, lines 10-12.

<sup>6</sup> DeSantis at column 5, lines 51-54.

<sup>7</sup> DeSantis at column 5, lines 54-56.

cell.”<sup>8</sup> Thus, DeSantis describes transmitting information regarding potential handover candidates to the mobile in the current cell, and processing an attempted handover to one of the potential handover candidates, where the potential handover candidates are determined based on stored adjacency information, and the potential handover candidates associated with the transmitted information are restricted to cells that are contiguous with the current cell. In other words, for a limited set of beacons (i.e, adjacent beacons), DeSantis merely indicates that a mobile may measure a signal strength and rank adjacent beacons according to the signal strength.

On the other hand, DeSantis does not suggest or otherwise indicate selecting base stations based on any communication quality level “at each local position where the first base station has the highest communication quality level in the subset of local positions,” as recited in independent Claim 1, and as similarly recited in independent Claims 8, 15 and 22. Further, DeSantis fails to teach or suggest “creating the operation data indicating the selected base stations as other base stations related to the first base station having the highest communication quality level,” as recited in independent Claim 1, and as similarly recited in independent Claims 8, 15 and 22.

Accordingly, it is respectfully submitted that the subject matter of the present invention as recited in Claims 1, 8, 15 and 22, and claims depending therefrom, patentably define over Hogan, Wallstedt and DeSantis. Accordingly, Applicant requests that the rejection of Claims 1-8 under 35 U.S.C. § 103(a) be withdrawn.

Further, Applicant respectfully traverses the rejection of Claims 15-21 under 35 U.S.C. § 103(a) as unpatentable over Hogan, Wallstedt, DeSantis and Spear. As discussed above, Claims 15 and 22 are believed to patentable define over Hogan, Wallstedt and DeSantis as discussed above. Further, Applicant respectfully submits that Spear also does

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<sup>8</sup> DeSantis at column 5, lines 18-22.

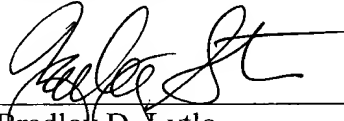
not supply the claimed features that are absent from the disclosure of Hogan, Wallstedt and DeSantis. Accordingly, Applicant requests the rejection of Claims 15-21 be withdrawn.

Hence, Applicant respectfully submits that independent Claims 1, 8, 15 and 22, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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